



**SO ORDERED.**

**SIGNED this 26 day of November, 2013.**



**A. Thomas Small  
United States Bankruptcy Court Judge**

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**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
GREENVILLE DIVISION**

**IN RE:**

**SEA HORSE REALTY &  
CONSTRUCTION, INC.,**

**CASE NO. 11-07223-8-ATS  
CHAPTER 11**

**DEBTOR.**

**IN RE:**

**RICKARD B. MERCER,**

**CASE NO. 09-04088-8-ATS  
CHAPTER 11**

**DEBTOR.**

**ORDER CLARIFYING ORDER REGARDING MOTION FOR TEMPORARY  
RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF**

On November 20, 2013, the court entered an Order Regarding Motion for Temporary Restraining Order and for Injunctive Relief. The court found that funds had been improperly disbursed from the trust account of the law firm of Oliver Friesen Cheek and the chapter 11 debtors Sea Horse Realty & Construction, Inc. and Rickard B. Mercer were required to return all proceeds and funds to the trust account and to make an accurate accounting of all proceeds and funds distributed but

not returned to the account. Approximately, \$1,066,000 has been returned to the trust account and an accounting was filed on November 25 accounting for all but \$850.50 of the improperly disbursed funds.

At a hearing to consider modification of the Mercer confirmed chapter 11 plan, counsel for Mercer and Sea Horse asked that the court clarify a portion of its order of November 20. Specifically, the debtors want to know if they are required to recover from Mercer creditors the payments that were made pursuant to the Mercer plan. The court will not require those creditors to return those payments.

The order of November 20, 2013, shall remain in effect, and Sea Horse, which has purchased real property from Mercer and has purchased a vehicle may not encumber those assets without approval of the court.

**END OF DOCUMENT**